

A *feri facias* issued on a judgment within the statutory period and renewed from term to term, though never delivered to sheriff, keeps judgment alive. *Hagerstown Bank v. Thomas*, 35 Md. 515. *Cf. Johnson v. Hines*, 61 Md. 127.

A bond held to be a "testamentary bond" within the meaning of this section. *State v. Boyd*, 2 G. & J. 372.

This section applies to a guardian's bond. *State v. Green*, 4 G. & J. 384; *Green v. Johnson*, 3 G. & J. 389; *Scaggs v. Reilly*, 88 Md. 65.

A "testamentary bond" held to be the thing in action, and limitations held to apply. *State v. Wright*, 4 H. & J. 148.

This section has no application when land has been bought with money supplied in part by plaintiff on faith of oral promise to convey a portion of the land. *Cross v. Iler*, 103 Md. 595.

The statute only affects the remedy. The acts of 1715, ch. 23, sec. 6, held to except state and United States from operation of statute. *Swearingen v. United States*, 11 G. & J. 377.

The Lord Proprietary held not to be barred by limitations in a suit on a bond. *Lady Baltimore v. Evans*, 4 H. & McH. 483. See also *Kelly v. Greenfield*, 2 H. & McH. 144.

A lapse of more than 12 years since the breach of a covenant to give bonds for deferred payments, does not bar right of action on breaches of covenant to pay annually, when latter have occurred within twelve years before suit brought. *Keefer v. Zimmerman*, 22 Md. 287.

Where suit is brought on a bond within twelve years, the bond is admissible in evidence at trial after expiration of twelve years. *Hammond v. Denton*, 1 H. & McH. 200.

The object of this section was not to prohibit putting in evidence a bill or bond of over twelve years' standing, except in cases where it was itself the foundation of the action. When an express promise is proved, bill or bond may be offered in evidence after twelve years. *Lamar v. Manro*, 10 G. & J. 61 (based on act of 1715, ch. 23).

Where there was a stay of execution, a judgment was held not to be barred. *Johnson v. Hines*, 61 Md. 128.

This section held inapplicable because of act of 1777, ch. 15, sec. 7, suspending temporarily operation of statute. *Ringgold v. Cannell*, 2 H. & McH. 410. See also *Johns v. Lane*, 3 H. & McH. 398.

No execution can be issued on a judgment of condemnation in attachment after twelve years from its date. *Johnson v. Foran*, 59 Md. 461.

A plea that debt did not accrue within three years is inapplicable to a judgment. *Weber v. Fickey*, 47 Md. 201. And see *Duvall v. Fearson*, 18 Md. 505.

This section was held a bar in the following cases: *Harwood v. Rawlings*, 4 H. & J. 127; *Schell v. State*, 3 H. & J. 538; *Hall v. Creswell*, 12 G. & J. 48.

Act of 1813, ch. 216, repealed saving clause in so far as it applied to persons "beyond the seas." The court construed act of 1818 to give such persons three years from time of passage of act within which to bring suit. *Garrison v. Hill*, 81 Md. 558. See also *Mason v. Union Mills Co.*, 81 Md. 450; *Frey v. Kirk*, 4 G. & J. 521.

For cases dealing with this section, but now apparently inapplicable because of changes in the law, see *Knight v. Brawner*, 14 Md. 7; *Swearingen v. United States*, 11 G. & J. 373. (See also sec. 7.)

Cited but not construed in *Lambson v. Moffett*, 61 Md. 429; *Coombs v. Jordon*, 3 Bl. 327; *Willard v. Wood*, 135 U. S. 309.

As to how the statute should be pleaded, see notes to sec. 1.

*Re. persons under disability*, see notes to sec. 2. See secs. 1 and 6, and notes.

See notes to art. 26, sec. 21.

An. Code, 1924, sec. 4. 1912, sec. 4. 1904, sec. 4. 1888, sec. 4. 1715, ch. 23, secs. 4, 5.

4. No person absenting himself from this State or that shall remove from county to county after any debt contracted whereby the creditor may be at an uncertainty of finding out such person or his effects shall have any benefit of any limitation herein contained, but nothing contained in this section shall debar any person from removing himself or family from one county to another for his convenience, or shall deprive any person leaving this State for the time herein limited of the benefit thereof, he leaving effects sufficient and known for the payment of his just debts in the hands of some person who will assume the payment thereof to his creditors.

Intent of legislature is that limitations should not attach against a creditor where debtor is absent from state at time cause of action accrues. If, however, after such accrual, debtor is in the state and thus affords creditor an opportunity to prosecute